

House File 648

H-1344

1 Amend House File 648 as follows:

2 1. Page 1, line 10, after <law.> by inserting <All
3 distributions from a medical assistance special needs
4 trust shall be for the sole benefit of the beneficiary
5 to enhance the quality of life of the beneficiary, and
6 the trustee shall have sole discretion regarding such
7 disbursements to ensure compliance with beneficiary
8 eligibility requirements. Any distinct disbursement
9 in excess of one thousand dollars shall be subject to
10 review by the district court sitting in probate.>

11 2. Page 1, after line 13 by inserting:

12 <Sec. ____ . Section 633C.4, subsection 2, Code 2015,
13 is amended to read as follows:

14 2. The trustee of a medical assistance income
15 trust or a medical assistance special needs trust
16 is a fiduciary for purposes of chapter 633A and, in
17 the exercise of the trustee's fiduciary duties, the
18 state shall be considered a beneficiary of the trust.
19 Regardless of the terms of the trust, the trustee shall
20 not take any action that is not prudent in light of
21 the state's interest in the trust. Notwithstanding
22 any provision of chapter 633A to the contrary, the
23 trustee of a medical assistance special needs trust
24 shall be subject to the jurisdiction of the district
25 court sitting in probate and shall submit an accounting
26 of the disposition of the trust to the district court
27 sitting in probate on an annual basis.>

28 3. By renumbering as necessary.

HEATON of Henry

HEDDENS of Story